

ORIGINAL

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

FILED IN CLERK'S OFFICE
USDC Atlanta

JAN 31 2008

By JAMES N. KATZEN, Clerk
Deputy Clerk

**EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)**

CIVIL ACTION NUMBER**Plaintiff,****1 : 08 - CV - 036 8****v.****JURY TRIAL DEMANDED**

**NEW CAPITAL)
DIMENSIONS, INC.,)**

Defendant.**BRAT****COMPLAINT**

This is an action under Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of race and retaliation and to provide appropriate relief to the Charging Parties, Quinthy D. Brown, Daphne S. Hill, Shannon Jackson, and Herbert S. Hunter (hereinafter "Charging Parties"), who were adversely affected by such practices. The Commission alleges that the Defendant discriminated against the Charging Parties because of their race and then terminated them from their employment in retaliation for complaining about the discriminatory activity. As a result of the discriminatory actions, the

conditions of Charging Party Herbert Hunters' employment were made so intolerable that he was constructively discharged from his position.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) (Title VII), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Northern District of Georgia, Atlanta Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation, and enforcement of Title VII and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 28 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant New Capital Dimensions, Inc. (the "Defendant") has continuously been a corporation doing business in the State of Georgia and the city of Winder, and has continuously had at least 15 employees.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce under Section 701(b), (g) and (h) of Title VII, 42 U.S.C. § 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than 30 days prior to the institution of this lawsuit, the Charging Parties filed a charge of discrimination with the Commission alleging a violation of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least June 29, 2005, Defendant engaged in unlawful employment practices, in violation of Sections 703(a) and 704(a) of Title VII, 42 U.S.C. §§ 2000e-2(a) and 2000e-3(a), by subjecting the Charging Parties to

- (a) racial discrimination;
- (b) retaliatory discharge; and
- (b) constructive discharge.

8. The effects of the practice(s) complained of in paragraph 7, above, have been to deprive the Charging Parties of equal employment opportunities and, otherwise, adversely affect their status as employees because of their race and because they engaged in protected activity.

9. The unlawful employment practices complained of in paragraph 7, above, were intentional.

10. The unlawful employment practices complained of in paragraph 7, above, were carried out with malice and/or reckless indifference to the federally protected rights of the Charging Parties.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in racial discrimination against employees, creating intolerable working conditions the effect of which forces employees to resign their employment, and engaging in any other employment practice which retaliate against individuals who engage in protected activity.

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for all employees and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant to make whole the Charging Parties, who were adversely affected by Defendant's discriminatory conduct, by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

D. Order Defendant to make whole the Charging Parties by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, including but not limited to job search expenses resulting from the retaliation, in amounts to be determined at trial.

E. Order Defendant to make whole the Charging Parties by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices described above, including emotional pain and suffering, inconvenience, loss of enjoyment of life, anxiety, stress, depression, and humiliation, in amounts to be determined by the jury at trial.

F. Order Defendant to pay to the Charging Parties punitive damages for Defendant's malicious and reckless conduct described above, in amounts to be determined by the jury at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the Commission its costs in this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its Complaint.

Respectfully submitted,


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Feb. 31, 2008

Date



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